

REMARKS

In the Final Office Action¹, the Examiner rejected claim 57 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,671,412 to Christiano ("*Christiano*"); rejected claims 1-11 and 15-17 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,768,382 to Schneier et al. ("*Schneier*") in view of *Christiano*; and rejected claims 18-22 under 35 U.S.C. § 103(a) as unpatentable over *Schneier*, in view of *Christiano*, and further in view of U.S. Patent No. 5,590,288 to Castor et al. ("*Castor*").

Applicants file concurrently herewith a Request for Continued Examination (RCE) in response to the Final Office Action mailed January 30, 2006. By this Amendment, Applicants amend claims 1, 17, and 57. Claims 1-11, 15-22, and 57 remain pending and under current examination.

Applicants respectfully traverse the rejection of claim 57 under 35 U.S.C. § 102(b) as anticipated by *Christiano*.

Claim 57 recites a data processing method including, for example:

determining at least one of a purchase mode . . .
creating log data . . .
creating usage control status data . . .
monitoring said usage control policy data . . .
controlling the use of the content data . . .
recording the content data . . . ; and
encrypting the content key data and the usage control status data
by using medium key data corresponding to said recording medium;
wherein the purchase mode is determined from one or more
purchase mode options, and each purchase mode option has a different
level of restriction imposed on a playback operation.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

(emphasis added). *Christiano* does not disclose each and every element of Applicants' claimed invention.

Christiano discloses a software license management system 10 including client computer systems 12 and a license server 16 (col. 6, lines 5-20 and Fig. 1). The client 12 sends a license request, including "identifying information about a designated product for which a license is being requested", to the license server (col. 10, lines 25-31). Once the license request is received, the request is processed, and a status message is generated which includes information about whether the license is granted or denied (col. 10, lines 53-61). The license allows a client to use a licensed software product (col. 4, lines 12-14). However, *Christiano* does not teach different purchase modes. Therefore, *Christiano* does not teach a purchase mode determined "from one or more purchase mode options, and each purchase mode option has a different level of restriction imposed on a playback operation", as recited in claim 57.

Accordingly, *Christiano* cannot anticipate claim 57, and claim 57 is allowable for at least these reasons.

Applicants respectfully traverse the rejection of claims 1-11 and 15-17 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Schneider* and *Christiano*, even if combined as suggested by the Examiner, does not teach or suggest each and every element of claims 1-11 and 15-17. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites a data processing apparatus including, for example:

an arithmetic processing circuit . . .
...

wherein said arithmetic processing circuit determines at least one of a purchase mode and a usage mode of the content data based on a handling policy indicated by the usage control policy data . . .

...
wherein the purchase mode is determined from one or more purchase mode options, and each purchase mode option has a different level of restriction imposed on a playback operation.

(emphasis added). *Schneier* does not cure the deficiencies of *Christiano* as stated above.

The Examiner admits that *Schneier* does not disclose determining a mode based on a handling policy and creating log data, creating usage control status data, or controlling the use of the content data (Final Office Action at page 6). *Schneier* discloses a computer device having a processor in communication with a memory device to process encoding control code in conjunction with a computer game outcome to transmit encoded messages (col. 3, line 66 - col. 4, line 9). *Schneier* does not teach different purchase modes. Therefore, *Schneier* does not teach a purchase mode determined “from one or more purchase mode options, and each purchase mode option has a different level of restriction imposed on a playback operation”, as recited in claim 1.

Accordingly, *Schneier* and *Christiano* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim. Claims 2-11 and 15-16 depend from claim 1 and are thus also allowable for at least the same reasons as claim 1.

Independent claim 17, though of different scope from claim 1, recites limitations similar to those set forth above with respect to claim 1. Claim 17 is therefore allowable for at least the reasons presented above.

Although the Examiner cites *Castor* in the rejection of dependent claims 18-22, Applicants respectfully assert that *Castor* fails to cure the deficiencies of *Schneier* and *Christiano* discussed above. Therefore, claims 18-22 are also allowable at least due to their dependence from claim 17.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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